

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

LAWRENCE HARTFORD, et al.

NO. 3:23-cv-05364-RJB

Plaintiffs,

DECLARATION OF ANDREW
HUGHES IN SUPPORT OF STATE
DEFENDANTS' MOTION TO COMPEL
THIRD-PARTY WILLIAM ENGLISH TO
COMPLY WITH SUBPOENA

BOB FERGUSON, in his official capacity as Washington State Attorney General, et al.,

**NOTE ON MOTION CALENDAR:
JANUARY 26, 2024**

I, Andrew Hughes, declare as follows:

1. I am over the age of 18, competent to testify as to the matters in my declaration, and make this declaration based on my personal knowledge.

2. I am an Assistant Attorney General representing Defendants Bob Ferguson, in his official capacity as Washington State Attorney General, and John R. Batiste, in his official capacity as Chief of the Washington State Patrol in this matter.

3. My office has been attempting to serve a subpoena in this matter on William English since November 2023. Our hired process server first attempted service at Mr. English's office on Wednesday, November 8, 2023, but was unable to locate him.

4. Thereafter, the process server made additional attempts to serve Mr. English at his office and his home.

1 5. On November 22, 2023, having yet to successfully serve Mr. English, I attempted
 2 to call Mr. English to discuss service of the subpoena. I first tried the phone number listed on his
 3 personal website at <http://www.william-english.com/>, but received an error message that my
 4 “call cannot be completed at this time.” I then called him at the phone number listed on his
 5 *curriculum vitae* (CV), which I downloaded from his website. Mr. English did not answer, so I
 6 left a voicemail identifying myself, and asking for good contact information to serve a subpoena.

7 6. Mr. English never responded to my voicemail.

8 7. On November 27, 2023, I emailed Mr. English at the two email addresses listed
 9 on his personal website and CV. My email informed Mr. English of my office’s attempts to
 10 service him with the subpoena in which I asked whether he would accept service via email,
 11 provide information on how to effectuate service in-person, and asking alternatively whether
 12 Mr. English had an attorney he would like us to correspond with. A true and accurate copy of
 13 that email is attached hereto as **Exhibit A**. Mr. English never responded to that email.¹

14 8. On December 13, 2023, my office was able to serve Mr. English via FedEx.
 15 Mr. English personally signed for the subpoena. A true and accurate copy of that subpoena is
 16 attached hereto as **Exhibit B**.

17 9. At the same time my office first attempted to serve a subpoena on Mr. English, it
 18 also attempted to serve a subpoena on Georgetown University, Mr. English’s employer. That
 19 subpoena was served on November 8, 2023. Counsel for Georgetown confirmed receipt of
 20 service as of November 27, 2023, and Georgetown provided responsive documents on
 21 December 13, 2023. Interestingly, those documents contain a number of emails sent to
 22 Mr. English, but generally did not include any responses from Mr. English.

23
 24 1 In my email, I wrote that “I have been trying to serve the attached subpoena on you for the past several
 25 months, but without success.” My office had previously tried to serve a substantially similar version of the subpoena
 26 on Mr. English in case challenging Washington’s restriction on the sale, import, and manufacture of large capacity
 firearm magazines—*Sullivan v. Ferguson*, Case No. 3:22-cv-05403-DGE (W.D. Wash.)—but was unable to
 effectuate service before discovery closed.

10. On December 18, 2023, I learned from counsel at Georgetown University that Mr. English was represented by an attorney, Chad Flores. On December 21, 2023, I sent an email to Mr. Flores informing him that we had served a subpoena on Mr. English and attaching a copy of the subpoena. I asked him to confirm that he represented Mr. English and asked when we would receive responsive documents. I offered to discuss a reasonable timeline should more time be required.

11. Mr. Flores responded later that evening confirming that he represents Mr. English and asking whether Mr. English has been properly served. I responded with an email the following day, noting that Mr. English had been served and attaching the proof of delivery from FedEx showing that Mr. English signed for the subpoena himself. I also attached a copy of the email I sent to Mr. English described in Paragraph 7 above.

12. Despite following up, I did not receive a response to my email for almost three weeks, until January 10, 2024. In that response, Mr. Flores expressed doubt that my office had properly served his client, and also suggested that the subpoena was overbroad. I responded later that day, addressing his two points and also advising that we were filing a motion to compel. As I said, “[w]e are happy to continue discussing this while that motion is pending, but in light of the time that has elapsed, and the limited time remaining in discovery, we cannot let this drag on any longer.”

13. A true and correct copy of this email exchange with attachments to that email is attached hereto as **Exhibit C**. Note that there are two versions of the thread, as Mr. Flores' January 10, 2024, response omitted my January 2, 2024, follow-up email.

I declare under the penalty of perjury of the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 11th day of January 2024 at Seattle, Washington.

/s/ Andrew Hughes
ANDREW HUGHES, WSBA #49515
Assistant Attorney General